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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

1 Feb

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In re Application of:..

Lior BAUSSI et al

ପାତା ୧୦୦

Serial No.: 10/516,926

ଶତାବ୍ଦୀ

Filed: July 14, 2005

§ Group Art Unit: 2617

For: DIRECTION FINDING CELL
PHONES

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Examiner: Marcos L. Torres

§ Attorney Docket: 37160

**PETITION UNDER 37 CFR 1.181(A) TO WITHDRAW
HOLDING OF ABANDONMENT**

Sir,

This is in response to the Notice of Abandonment dated April 1, 2009, copy attached, which response is being filed on April 7, 2009, and for which no fee is due.

By said Notice, Applicant was advised that he had failed to file a proper reply to the Office Action dated April 8, 2008.

In fact, as evidenced by the attached copies of the Transaction History and the Image File Wrapper pages from the USPTO Public PAIR web-site, Applicant timely filed a Notice of Appeal, along with a three-month extension of time petition on October 7, 2008. A copy of the USPTO October 7, 2008 date-stamped documents of the Notice of Appeal and Extension of Time, printed from the USPTO Public PAIR web-site is also attached. Since the response to the Office Action dated April 8, 2008, was timely filed (when the extension of time period is factored in), withdrawal of the Notice of Abandonment is deemed to be in order.

Lest the USPTO respond that a Notice of Appeal is not a proper response to the non-Final April 8, 2008 Office Action, Applicant refers to 35 U.S.C. 134, in which it is stated that "an applicant for a patent, any of whose claims has been twice rejected, may appeal from the decision of the primary examiner to the Board of Patent Appeals and Interferences."

As evident from the attached copies of the Transaction History and the Image File
Wrapper pages from the USPTO Public PAIR web-site, Applicant's claims have been thrice

rejected, namely on October 5, 2006, August 10, 2007, and April 8, 2008, making the filing of the Notice of Appeal filed October 7, 2008, a proper, and timely, response to the April 8, 2008 Office Action.

Accordingly, since Applicant had filed a timely response to the April 8, 2008 Office Action, it is requested that the Holding of Abandonment be withdrawn.

This Petition does not require a fee, but if one is required, authorization to charge Deposit Account 50-1407 therefor is hereby granted.

Concurrently with the filing of this Petition, and with the expectation that it will be granted, Applicant is filing a four month extension of time petition to extend the time to file an Appeal Brief to April 7, 2009, and is filing a Continuation Patent Application (Attorney Docket No. 46148) instead of filing the Appeal Brief.

Respectfully submitted,

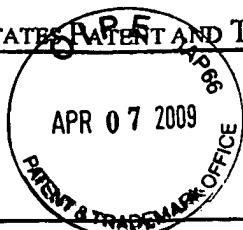


Martin D. Moynihan
Registration No. 40,338

April 7, 2009



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/516,926	07/14/2005	Lior Baussi	37160	8721

67801 7590 04/01/2009
MARTIN D. MOYNIHAN d/b/a PRTSI, INC.
P.O. BOX 16446
ARLINGTON, VA 22215

EXAMINER	
TORRES, MARCOS L	

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
04/01/2009	PAPER



Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



Notice of Abandonment	Application No.	Applicant(s)
	10/516,926	BAUSSI ET AL.
	Examiner	Art Unit
	MARCOS L. TORRES	2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. Applicant's failure to timely file a proper reply to the Office letter mailed on 08 April 2008.
 - (a) A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) No reply has been received.
2. Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTO-85).
 - (a) The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTO-85).
 - (b) The submitted fee of \$_____ is insufficient. A balance of \$_____ is due. The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) The issue fee and publication fee, if applicable, has not been received.
3. Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) No corrected drawings have been received.
4. The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. The reason(s) below:

Call made to applicant to verify status of application on 3-24-09.

/George Eng/
Supervisory Patent Examiner, Art Unit 2617

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



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Transaction History

Date Transaction Description

- 04-01-2009 Mail Abandonment for Failure to Respond to Office Action
- 03-30-2009 Abandonment for Failure to Respond to Office Action
- 10-07-2008 Notice of Appeal Filed
- 10-07-2008 Request for Extension of Time - Granted
- 07-29-2008 Filing Receipt - Corrected
- 04-08-2008 Mail Non-Final Rejection
- 03-31-2008 Non-Final Rejection
- 02-27-2008 Date Forwarded to Examiner
- 02-27-2008 Date Forwarded to Examiner
- 02-08-2008 Request for Continued Examination (RCE)
- 02-27-2008 DISPOSAL FOR A RCE/CPA/129 (express abandonment if CPA)
- 02-08-2008 Request for Extension of Time - Granted
- 02-08-2008 Workflow - Request for RCE - Begin
- 10-24-2007 Change in Power of Attorney (May Include Associate POA)
- 10-24-2007 Change in Power of Attorney (May Include Associate POA)
- 10-19-2007 Correspondence Address Change
- 08-10-2007 Mail Final Rejection (PTOL - 326)
- 08-06-2007 Final Rejection
- 05-03-2007 Date Forwarded to Examiner
- 04-04-2007 Response after Non-Final Action
- 04-04-2007 Request for Extension of Time - Granted
- 10-05-2006 Mail Non-Final Rejection
- 10-02-2006 Non-Final Rejection
- 07-14-2005 Information Disclosure Statement considered
- 03-22-2006 Case Docketed to Examiner in GAU
- 11-27-2005 Cleared by OIPE CSR
- 11-18-2005 Case Docketed to Examiner in GAU
- 11-18-2005 IFW TSS Processing by Tech Center Complete
- 11-18-2005 Case Docketed to Examiner in GAU
- 07-14-2005 Reference capture on IDS
- 07-14-2005 Information Disclosure Statement (IDS) Filed
- 07-14-2005 Information Disclosure Statement (IDS) Filed
- 12-01-2004 Preliminary Amendment
- 07-14-2005 371 Completion Date
- 09-07-2005 Application Dispatched from OIPE
- 09-07-2005 Notice of DO/EO Acceptance Mailed
- 07-14-2005 Additional Application Filing Fees
- 07-14-2005 Information Disclosure Statements
- 07-14-2005 A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applic
- 07-20-2005 Correspondence Address Change
- 05-16-2005 Notice of DO/EO Missing Requirements Mailed
- 05-05-2005 Mail-Petition to Revive Application - Granted
- 12-01-2004 Petition Entered
- 12-01-2004 Initial Exam Team nn

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10/516,928

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Mail Room Date	Document Code	Document Description	Page Count	Select All	Start Download	Clear All
04-01-2008	ABN	Abandonment	2	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10-07-2008	N/AP	Notice of Appeal Filed	1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10-07-2008	XT/	Extension of Time	1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
07-23-2008	APP.FILE.REC	Filing Receipt	3	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Request for Corrected Filing Receipt	18	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	CTNF	Non-Final Rejection	22	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
04-08-2008	FWCLM	Index of Claims	2	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Search Information including classification, databases and other search related notes	1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
02-08-2008	RCEX	Request for Continued Examination (RCE) Amendment	1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
02-08-2008	AMSB	Submitted/Entered with Filing of CPA/RCE	1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
02-08-2008	CLM	Claims	10	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
02-08-2008	REM	Applicant Arguments/Remarks Made in an Amendment	8	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
02-08-2008	XT/	Extension of Time	1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
02-08-2008	WFEE	Fee Worksheet (PTO-06)	1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10-24-2007	PEFN	Pre-Exam Formalities Notice	1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10-05-2007	PA..	Power of Attorney	1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
08-10-2007	CTFR	Final Rejection	17	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
08-10-2007	FWCLM	Index of Claims	1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Search Information including classification, databases and other search related notes	1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
08-10-2007	SRFW	Examiner's search strategy and results	1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
07-30-2007	SRNT	Amendment/Req. Reconsideration- After Non-Final Reject	2	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
04-04-2007	A..	Claims	6	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
04-04-2007	CLM	Applicant Arguments/Remarks Made in an Amendment	11	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
04-04-2007	XT/	Extension of Time	1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
04-04-2007	WFEE	Fee Worksheet (PTO-06)	1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10-05-2008	CTNF	Non-Final Rejection	17	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10-05-2008	1449	List of References cited by applicant and considered by examiner	2	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10-05-2008	892	List of references cited by examiner	1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Bibliographic Data				

10-05-2008	BIB	<u>Sheet</u>	1	<input type="checkbox"/>
10-05-2008	FWCLM	<u>Index of Claims</u> <u>Search Information including classification, databases and other search related notes</u>	1	<input type="checkbox"/>
10-05-2008	SRFW	<u>Search Information including classification, databases and other search related notes</u>	1	<input type="checkbox"/>
09-28-2008	SRNT	<u>Examiner's search strategy and results</u>	4	<input type="checkbox"/>
11-18-2005	138A	<u>Authorization for Extension of Time all copies</u>	4	<input type="checkbox"/>
09-07-2005	M903	<u>Notice of DO/EO Acceptance Mailed</u> <u>Notice of Change of Address placed in File Wrapper due to EPC Customer Number update</u>	2	<input type="checkbox"/>
07-21-2005	EBCC.AD	<u>File Wrapper due to EPC Customer Number update</u>	1	<input type="checkbox"/>
07-14-2005	BIB	<u>Bibliographic Data Sheet</u>	1	<input type="checkbox"/>
07-14-2005	LET.	<u>Miscellaneous Incoming Letter</u>	5	<input type="checkbox"/>
07-14-2005	OATH	<u>Oath or Declaration filed</u>	3	<input type="checkbox"/>
07-14-2005	IDS	<u>Information Disclosure Statement (IDS) Filed (S8/08)</u>	4	<input type="checkbox"/>
07-14-2005	FOR	<u>Foreign Reference</u>	4	<input type="checkbox"/>
07-14-2005	FOR	<u>Foreign Reference</u>	18	<input type="checkbox"/>
07-14-2005	NPL	<u>NPL Documents</u>	3	<input type="checkbox"/>
07-14-2005	NPL	<u>NPL Documents</u>	16	<input type="checkbox"/>
07-14-2005	NPL	<u>NPL Documents</u>	1	<input type="checkbox"/>
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07-14-2005	NPL	<u>NPL Documents</u>	1	<input type="checkbox"/>
07-14-2005	NPL	<u>NPL Documents</u>	1	<input type="checkbox"/>
07-14-2005	NPL	<u>NPL Documents</u>	9	<input type="checkbox"/>
07-14-2005	NPL	<u>NPL Documents</u>	2	<input type="checkbox"/>
07-14-2005	NPL	<u>NPL Documents</u>	2	<input type="checkbox"/>
07-14-2005	ARTIFACT	<u>Artifact sheet indicating an item has been filed which cannot be scanned</u>	1	<input type="checkbox"/>
05-18-2005	M905	<u>Notice of DO/EO Missing Requirements Mailed</u>	2	<input type="checkbox"/>
05-05-2005	PETDEC	<u>Petition Decision</u>	2	<input type="checkbox"/>
12-01-2004	TRNA	<u>Transmittal of New Application</u>	4	<input type="checkbox"/>
12-01-2004	SPEC	<u>Specification</u>	22	<input type="checkbox"/>
12-01-2004	CLM	<u>Claims</u>	7	<input type="checkbox"/>
12-01-2004	ABST	<u>Abstract</u>	1	<input type="checkbox"/>
12-01-2004	DRW	<u>Drawings-only black and white line drawings</u>	3	<input type="checkbox"/>
12-01-2004	OATH	<u>Oath or Declaration filed</u>	3	<input type="checkbox"/>
12-01-2004	WCLM	<u>Claims Worksheet (PTO-2022)</u>	1	<input type="checkbox"/>
12-01-2004	WFEE	<u>Fee Worksheet (PTO-06)</u>	1	<input type="checkbox"/>
12-01-2004	WFEE	<u>Fee Worksheet (PTO-06)</u>	1	<input type="checkbox"/>
12-01-2004	A.PE	<u>Preliminary Amendment</u>	1	<input type="checkbox"/>
12-01-2004	SPEC	<u>Specification</u>	1	<input type="checkbox"/>
12-01-2004	CLM	<u>Claims</u>	7	<input type="checkbox"/>
12-01-2004	REM	<u>Applicant Arguments/Remarks Made in an Amendment</u>	1	<input type="checkbox"/>
12-01-2004	PET.	<u>Petition Entered</u>	2	<input type="checkbox"/>
12-01-2004	NPL	<u>NPL Documents</u>	19	<input type="checkbox"/>
12-01-2004	IMIS	<u>Miscellaneous Internal Document</u>	1	<input type="checkbox"/>
12-01-2004	371P	<u>Documents submitted with 371</u>	38	<input type="checkbox"/>

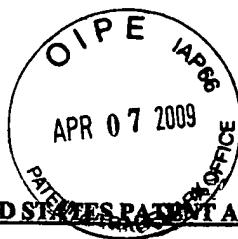
12-01-2004	371P	Applications Documents Submitted with 371 Applications	10	<input type="checkbox"/>	<input type="checkbox"/>
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Lior BAUSSI et al

Serial No.: 10/516,926

Filed: July 14, 2005

Group Art Unit: 2617

For: DIRECTION FINDING CELL
PHONES

Attorney Docket: 37160

Examiner: Marcos L. Torres

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTICE OF APPEAL

Applicant hereby appeals the Final Rejection of the Examiner dated April 8, 2008, rejecting claims 1-11, 13-17, 20-23, 25-42, 48-60 and 62.

An extension of time of three (3) months is also attached herewith.

This application enjoys Small Entity Status.

Please charge the Notice of Appeal fee of \$270 to Deposit Account 50-1407.

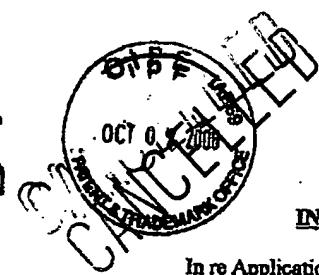
Respectfully submitted,

Martin D. Moynihan

Martin D. Moynihan
Registration No. 40,338

October 7, 2008

10/08/2008 AWD/DMF 00000102 591407 18516926
02 FC:2401 270.00 DA



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Lior BAUSSI et al

Serial No.: 10/516,926

Filed: July 14, 2005

For: DIRECTION FINDING CELL
PHONES

Group Art Unit 2617

Examiner: Marcos L. Torres

Attorney
Docket: 37160

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION AND FEE FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)

Sir,

(1) This is a petition for an extension of time to respond to the Final Office Action mailed April 8, 2008, for a period of **THREE (3)** months.

(2) Applicant is a:

small entity verified statement attached
 verified statement filed

(3) Extensions

<u>Number of months</u>	<u>Fees for</u>	<u>Fees for other than</u>
	<u>small entity</u>	<u>small entity</u>
<input type="checkbox"/> one month	\$ 65.00	\$ 130.00
<input type="checkbox"/> two months	\$ 245.00	\$ 490.00
<input checked="" type="checkbox"/> three months	\$ 555.00	\$ 1,110.00
<input type="checkbox"/> four months	\$ 865.00	\$ 1,730.00
<input type="checkbox"/> five months	\$ 1,175.00	\$ 2,350.00

(4) A Notice of Appeal X is filed herewith
has been filed

(5) Please charge the extension fee and any other amount required to Deposit Account No. 50-1407.

Respectfully submitted,

Marion D. Moymann

Martin D. Moynihan
Registration No. 40,338

Date: October 7, 2008

16/09/2008 AVONDALE 088888182 581487 16516926

01 FC:2253 555,88 DA